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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,550	01/30/2002	Christian Schann	MCA-490 D US	2027
25182	7590	04/19/2004	EXAMINER	
MILLIPORE CORPORATION			OCAMPO, MARIANNE S	
290 CONCORD ROAD			ART UNIT	
BILLERICA, MA 01821			PAPER NUMBER	

1723

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A9

<b>Advisory Action</b>	<b>Application No.</b> 10/060,550	<b>Applicant(s)</b> SCHANN, CHRISTIAN	
	<b>Examiner</b> Marianne S. Ocampo	<b>Art Unit</b> 1723	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment for more details.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment for more details.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 14 and 15.

Claim(s) rejected: 8-13.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: ATTACHMENT TO ADVISORY ACTION

### ATTACHMENT TO ADVISORY ACTION

1. The proposed amendments made after the final office action, which have been filed on 3-17-04 have not been entered because:

a). the proposed amendments do not place the application in good condition for allowance. Furthermore, the amendments present additional claims without canceling a corresponding number of finally rejected claims, in this instance, in the case of new claim 18 versus original claims 8 and 9.

2. In response to applicants' allegation that the prior art (Leason) failing to teach or disclose a thermoplastic overmold passageway in the support parts, which has been considered by the examiner to be in **each of the housing parts in light of applicants' response filed on 3-17-04**, it is untrue. First of all, the examiner has, in the final office action, considered that this thermoplastic overmold passageway being defined by space or void into which a thermoplastic overmold was to be injected or formed. In Leason, the primary reference/prior art, there is a thermoplastic overmold passageway on the outer peripheries of both housing parts (at least those housing parts 95 & 77 of fig. 16, or 127 & 116 of the embodiment shown in fig. 8).

3. With regards to the argument referring to the location of the means for minimizing obturation being between the inlet and the filter element, while the prior art (Leason) teaches the

opposite or reverse (i.e. located between the outlet and the filter element), the structure that forms the inlet and the outlet of the device of Leason are identical, and therefore, if one uses the structure designated by Leason as the inlet to be an outlet or vice versa, this does not change the operation of the (prior art ) device nor make the claimed invention patentable over the prior art. The claimed invention is a product which has structural limitations that the prior art (Leason) has corresponding structures that anticipate those same structural limitations.

4. With regards to new claims 16 – 17, if applicant would present these claims in a separate amendment in addition to cancellation of claims 8 – 13 and new claim 18, claims 16 – 17 would be allowed. For reasons or statement of reasons for allowance of claims 16 – 17, see final office action mailed on 1-15-04, pages 4 – 5 that indicates the subject matter which has been in claims 14 – 15 (now canceled) to be allowable in combination with the limitations of the base claim 8. These allowable subject matter have been incorporated in new claims 16 – 17.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (571) 272-1144. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

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6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*msd*  
M.S.O.

*W. L. Walker*  
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